

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:10-cv-191-FDW

CHARLES M. CASSELL, III,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU DAWKINS, et al.,)	
)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on periodic status review. On June 30, 2014, the Court entered an Order requiring Plaintiff to submit an administrative remedies statement within fourteen days. (Doc. No. 23). The Clerk warned Plaintiff that failure to submit an administrative remedies statement would result in dismissal of this action without prejudice and without further notice to Plaintiff. Plaintiff has not submitted an administrative remedies statement, and the time to do so has passed. Therefore, the Court will dismiss this action without prejudice.

The Court further notes that the docket report shows Plaintiff's current address as Alexander Correctional Institution in Taylorsville, North Carolina. By letter dated June 23, 2015, the North Carolina Department of Public Safety informed the Court that Plaintiff has been released from Alexander Correctional Institution and is no longer in state custody. (Doc. No. 22). In addition to the fact that this action is being dismissed based on Plaintiff's failure to submit an administrative remedies statement in accordance with the Court's order dated June 30, 2014, the action is alternatively subject to dismissal because Plaintiff failed to notify the Court of his change in address. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct.

22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail).

IT IS, THEREFORE, ORDERED that:

1. This action is dismissed without prejudice.
2. The Clerk is directed to terminate the case.

Signed: July 28, 2015



Frank D. Whitney
Chief United States District Judge

